

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RICHARD WAYNE WRIGHT, SR.
AIS#187140

Plaintiff,

vs.

SYLVESTER NETTLES, et.al.

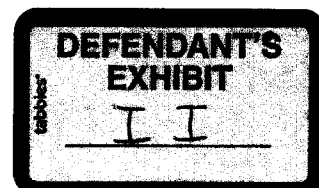
Defendants.

CIVIL ACTION NO. 2:05-CV-439-A

AFFIDAVIT

Before me, the undersigned Notary Public, did personally appear Mark S. Bruton, who being duly sworn, deposes and presents the following affidavit.

My name is Mark S. Bruton and I am an individual over the age of twenty-one years. I am employed with the State of Alabama Department of Corrections at Ventress Correctional Facility, Clayton, Alabama. I am employed in this capacity as a Classification Supervisor. I have read the complaint in the above styled cause and note that Inmate Richard Wayne Wright, Sr., alleges that I violated his civil rights. I make this affidavit in the defense thereof.



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Affidavit – Mark S. Bruton

Inmate Richard Wright, #187140 was transferred to Ventress Correctional Facility on March 4, 2005 due to an enemy situation at Bullock County Correctional Facility. Per the computer, Inmate Wright did not have an enemy situation at Ventress so he was transferred here. Inmate Wright was here 13 days when on March 17, 2005 he complained of an enemy situation here. When I was advised of the possible enemy situation, I advised Lt. John Dowling to place Inmate Wright in a single cell pending investigation for Inmate Wright's safety. After a thorough investigation, it was determined that no enemy situation existed. See Exhibit "1". There was nothing in Inmate Wright's institutional jacket to support Inmate Wright's claim. Inmate Wright rode the same van with his claimed enemy, Inmate Marshall Jones, B/M, #229797 from Bullock C.F. to Ventress on March 4, 2005. Inmate Wright admitted that he had been keeping company with Inmate Jones while at Ventress. Inmate Wright refused to sign a living compatibility statement. Inmate Wright was given more time to consider the validity of his claim. On April 11, 2005, an Institutional Enemies Validation Committee was held on Inmate Wright. Sgt. William Seals and I went and talked with Inmate Wright again. Inmate Wright made the following statements:

- 1) Inmate Jones had never threatened Inmate Wright.
- 2) Inmate Jones and Inmate Wright had never had a physical confrontation.

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Affidavit – Mark Bruton

- 3) Inmate Jones and Inmate Wright had ridden over to Ventress on the same van.
- 4) Inmate Jones and Inmate Wright had remained in population together at Ventress with no problems.
- 5) Inmate Jones and Inmate Wright sat together at the dining room tables to eat and talked during chow.
- 6) Inmate Wright stated that inmate Jones talked about having fought another inmate at Bullock and inmate Wright took it as an indirect threat against him.
- 7) Inmate Wright stated he didn't want any trouble with Inmate Jones.
- 8) Inmate Wright would not get into a physical altercation with Inmate Jones.

Inmate Jones did sign an Inmate Compatibility Statement saying that he had no problem with Inmate Wright. See Exhibit "2". Inmate Wright continued to refuse to sign the Compatibility Statement. See

After a thorough review of the inmate's institutional file and all the facts, the Institutional Enemies Validation Committee that was comprised of Captain M. Larry Monk, Warden Darrell Parker and myself, Classification Supervisor Mark Bruton, it was our decision that there was not a valid enemy situation. Inmate Wright was released back to population and told to stay away from Inmate Jones.

At no time did I, Mark Bruton, tell Inmate Richard Wright, #187140 that I would attempt to keep Inmate Wright in prison longer by contacting the Parole Board.

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Affidavit – Mark Bruton

The before mentioned facts are true and correct to the best of my knowledge.

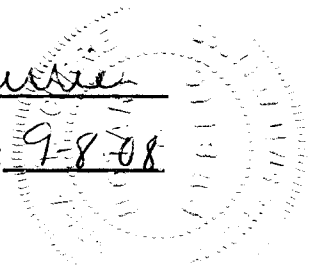
Mark S. Bruton
Mark S. Bruton

State of Alabama)

Barbour County)

Sworn to and subscribed before me this 18th day of August, 2005.

Reba J. Currie
Notary Public
My Commission Expires: 9-8-08



STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
VENTRESS CORRECTIONAL FACILITY

TO: Chairman
Institutional Enemies Validation Committee
Ventress Correctional Facility

FROM: Classification

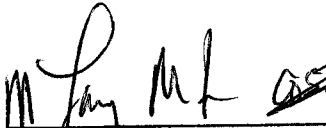
RE: ~~RICHARD WRIGHT B/187140~~


In accordance with Special Order #435, the following names are submitted for your review as being the named enemies of the above captioned individual. Please review as appropriate and advise the classification coordinator as to the validity of this claim.

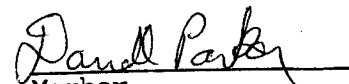
MARSHALL JONES B/229797

DATE: 4/11/05

After a judicious review of this matter including a file review and an interview with the inmate in question, the following is the decision of this board: ON 4/11/05 INMATE WRIGHT MADE THIS STATEMENT TO SGT. SEALS AND MARK BRUTON, CLASS. SUPV. INMATE WRIGHT STATED THAT INMATE JONES AND HE SHARED A SEG CELL OVER AT BULLOCK TOGETHER (CONFIRMED). INMATE WRIGHT ALSO STATED THAT INMATE JONES NEVER THREATENED HIM NOR DID THEY EVER HAVE A PHYSICAL CONFRONTATION WITH EACH OTHER. THEY WERE BOTH TRANSFERRED TOGETHER OVER TO VENTRESS ON 3/4/05 AND REMAINED IN POPULATION TOGETHER UNTIL 3/17/05 WHEN INMATE WRIGHT STATED THAT INMATE JONES WAS HIS ENEMY. DURING THE 13 DAYS THAT THEY WERE BOTH HERE AT VENTRESS TOGETHER, INMATE WRIGHT STATED THAT THEY SAT AT THE SAME DINING ROOM TABLE ATE TOGETHER AND TALKED. HOWEVER, ON 3/17/05 INMATE JONES AGAIN TALKED ABOUT WHAT HE HAD DONE TO ANOTHER INMATE AT BULLOCK AND INMATE WRIGHT TOOK IT AS AN INDIRECT THREAT TO HIM. INMATE JONES HAS SIGNED A COMPATABILITY STATEMENT. INMATE WRIGHT REFUSES TO SIGN IT BUT DID STATE HE DIDN'T WANT ANY TROUBLES AND WOULD NOT GET INTO A PHYSICAL CONFRONTATION WITH INMATE JONES. NO ENEMY SITUATION EXISTS


Chairman


Member
Class. Supv.
4/11/05


Member

INMATE COMPATABILITY STATEMENTDate: 4/11/05STATEMENTINMATE: Marshall Jones B/229797

I do certify by my signature below that any differences or problems between myself and Inmate Richard Wright have been resolved. I further state that should any further problems arise between the above named inmate, and myself I will contact the nearest Correctional Officer and request assistance. I certify that I will not attempt to take any actions on my own. I have been informed that any further confrontation pertaining to this matter will result in disciplinary action being taken or me being placed in segregation. I do make the above statements of my own free will without any coercion, promises, or any threats being made to me by anyone.

Marshall Jones (229797)
Inmate's Name & AIS NumberSTATEMENTINMATE: Richard Wright B/187140

I do certify by my signature below that any differences or problems between myself and Inmate Marshall Jones have been resolved. I further state that should any further problems arise between myself and the above named inmate, I will contact the nearest Correctional Officer and request assistance. I certify that I will not attempt to take any actions on my own. I have been informed that any further confrontation pertaining to this matter will result in disciplinary action being taken or me being placed in segregation. I do make the above statements of my own free will without any coercion, promises or any threats being made to me by anyone.

Refused to sign.
Inmate's Name & AIS NumberOFFICER'S SUMMARY OF INCIDENT:

Inmate Wright states that Jones & he shared a seg cell at Bullock. Inmate Jones never threatened him but made indirect threats by stating what Jones did to another inmate. They were both moved to VCC sat & talked together for several days w/ no problem. Then Wright got nervous.

(Note: If additional space is needed, use reverse side)

Mark Stettin
Counseling OfficerM. Jimmy Mark
Witnessing Officer

4-11-05